

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
BOSTON REGION

In the Matter of:

PUBLIC HEARING:

RE: PROPOSED CLEAN-UP PLAN FOR NYANZA SUPERFUND SITE
IN ASHLAND, MASSACHUSETTS

Ashland High School
65 East Union Street
Ashland, Massachusetts

Tuesday
January 23, 2020

The above entitled matter came on for hearing,
pursuant to Notice at 8:15 p.m.

BEFORE:

LYNNE JENNINGS, EPA Section Chief
Massachusetts Superfund Section
LISA THUOT, Remedial Project Manager
ZANETTA PURNELL, Community Involvement Coordinator
EPA, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109

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P R O C E E D I N G S

(8:15 p.m.)

MS. JENNINGS: So, I'd like to now start the official public hearing this evening. I'm going to start a little formally because we're going to be having this part of it recorded.

So, again, my name is Lynne Jennings. I am the EPA Section Chief for the Massachusetts Superfund Section in Boston. I will be the hearing officer for tonight's hearing on the proposed clean up plan for the Nyanza Superfund site in Ashland.

The purpose of this hearing is to formally accept oral comments on the proposed plan that was released to the public on January 14th.

As a reminder, the public comment period runs until February 14th. As noted earlier, EPA has a stenographer here tonight to record comments. We will not be responding to the comments received during the formal hearing, but will respond to them in writing after the close of our comment period.

For the record, the proposed plan includes continued operation of the two existing dense nonaqueous phase liquid extraction systems at the Nyacol and Worcester Air Conditioning parcels, continuing operation of the 41 existing vapor mitigation systems in buildings downgradient

1 from the site, pre design investigations to locate
2 additional dense nonaqueous phase liquids, and if found,
3 installation of new extraction wells, in situ chemical
4 oxidation treatment targeted for contamination in the deep
5 overburden and shallow weathered bedrock.

6 The overall remedy will also include land use
7 controls to protect the remedy where unrestricted use
8 standards are not achieved, long term monitoring and
9 maintenance and periodic five year reviews to ensure the
10 protectiveness of the remedy.

11 The total estimated cost for this proposed remedy
12 is approximately \$20.5 million.

13 Those of you wishing to comment should have
14 indicated a desire to do so by signing up on the sign in
15 sheet. When called upon, please state your name, your
16 address or your affiliation.

17 If there are any others who would like to enter a
18 comment, but did not sign up, we will take your comments
19 after folks on the sign in sheet have offered their
20 comments.

21 After all of the comments have been heard, I will
22 close the formal hearing. If you wish to submit written
23 comments, you can hand them to ZaNetta or Lisa or myself.
24 Or you can mail or fax them or e-mail them to the address in
25 the plan. At the conclusion of the hearing, please see any

1 of the EPA representatives if you have any questions on how
2 to submit comments.

3 All oral comments that we receive tonight and the
4 written comments that we received during the comment period
5 will be addressed in a responsiveness summary and become
6 part of the administrative record for the site. It will be
7 included with the site's clean up decision.

8 Thank you for coming this evening. Public input
9 is an important factor in EPA's decision making process. We
10 will now begin the formal hearing.

11 I don't know if you guys are still here, but I'm
12 going to go through the names starting with Dan Barelli.

13 MR. BARELLI: Yes.

14 MS. JENNINGS: Thank you.

15 MR. BARELLI: I'm going to have another commenter
16 join me, Cara.

17 MS. TIRRELL: You can take it.

18 MR. BARELLI: You don't want to go first?

19 MS. TIRRELL: No.

20 MR. BARELLI: Thank you. My name is Dan Barelli.
21 I grew up in Ashland. But I currently live in Framingham.

22 MS. TIRRELL: Cara Tirrell. And we are here to
23 represent Ashland's Citizen Action Committee. And we just
24 want to talk a little bit about some of the concerns that we
25 still have.

1 We all joined together to continue to petition for
2 further work done in Ashland. We say continue, because
3 there has been a series of citizens actions groups over
4 decades from this town and we honor and respect their
5 efforts by taking on the responsibility to continue to
6 advocate for a clean Ashland.

7 MR. BARELLI: With this in mind, we thank the EPA
8 for this thorough digestible document. What is found within
9 this document is a new set of knowledge about Nyanza,
10 specifically, on page 9, second paragraph, the first
11 sentence states, and I quote, "EPA has determined that there
12 are both current and future potential threats to human
13 health."

14 And it goes on to specify that the source of that
15 threat is DNAPL in the ground water known as the plant.
16 This is the first instance where the EPA has publicly
17 conveyed that the plume is identified with a threat.

18 MS. TIRRELL: Again, on page 14, second paragraph,
19 it states, and I quote, "although EPA has not established a
20 threshold of toxicity or toxicity risk to identify principal
21 threat waste, generally, where toxicity and mobility combine
22 to pose a carcinogenic risk of 10 to 3 or greater, the
23 source material is considered principal threat waste.
24 Residual DNAPL within the Nyacol WAC AOC is acting as a
25 continuing source of contamination to the contaminated

1 ground water plume and is considered principal threat
2 waste."

3 MR. BARELLI: So, let's go back to that first
4 sentence. It states, "toxicity and mobility". So, toxicity
5 is a contamination in the plume. The mobility, the mobility
6 is us. That is, humans traversing the land on top of the
7 plume.

8 MS. TIRRELL: The next paragraph on page 14 then
9 states and I quote, "it is EPA's current judgment that the
10 preferred alternative identified in this proposed plan is
11 necessary to protect public health or welfare or the
12 environment from actual or threatened releases of hazardous
13 substances, including principal threat waste into the
14 environment. And that treatment of the principal threat
15 waste has been included as a component of the preferred
16 alternative to the extent practicable."

17 MR. BARELLI: So, we'd like to take this moment to
18 commend the EPA for making their findings so clearly
19 understandable and presenting them tonight to us in this
20 public venue.

21 Your findings affirm our position, which is one of
22 continued vigilance, to ensure the safety and health of
23 Ashland citizens.

24 So now, we have a few questions and statements.

25 MS. TIRRELL: Please consider our vigilance as our

1 commitment to the overall health clean up efforts. We'd
2 like to be included as much as possible in how your ongoing
3 work is made public to Ashland.

4 The first question, on page 1, you state that the
5 pre design investigation, the PDI, will look into other
6 sources of DNAPL beyond the current array of monitoring
7 wells. How far and wide will you place these new monitoring
8 wells?

9 MR. BARELLI: Number two, using the relatively new
10 method of in situ chemical oxidization, ISCO, how will
11 residents know when and where this work will be conducted?

12 MS. TIRRELL: Number three, what are the 21st
13 century communication methods by which a citizen can learn
14 and be continuously updated from your work on the site.

15 MR. BARELLI: Number four, is there a way that we
16 could have a live feed of the ongoing remediation work?

17 MS. TIRRELL: Lastly, and in the event of an
18 emergency of a potential release of the toxicity, either by
19 human error during remediation, or from an extreme weather
20 event, like a flood, etcetera, how and when will citizens
21 know if the site has been compromised?

22 MR. BARELLI: So, to conclude, we simply want to
23 know as much as possible as soon as possible. So, thank
24 you.

25 MS. TIRRELL: Thank you.

1 MS. JENNINGS: Thank you.

2 Okay. Next, I'd like to call Steven Mitchell.

3 MR. MITCHELL: For the record, my name is Steve
4 Mitchell. I reside at 5 Newcastle Road, --

5 THE REPORTER: I'm sorry. Could you repeat that?

6 MR. MITCHELL: -- and I serve on the Ashland Board
7 of Selectmen.

8 My family moved to Ashland in 1975 at the very
9 early stages of the Nyanza clean up history. And this has
10 been a part of our community life over the last 45 years.

11 As I have digested the proposed plan, vapor
12 intrusion and mitigation are a major part of the plan
13 narrative, including, A), the continued migration of
14 contamination from the Nyacol/Worcester Air Conditioning
15 AOC, into the existing contaminated ground water plume, and
16 B), concerns regarding the current mitigation system
17 process.

18 On page 9, the plan states, "the ongoing migration
19 is an unacceptable risk to human health, in particular for
20 indoor air quality." And then, slightly further on page 9,
21 the plan relates that "the vapor mitigation systems were
22 voluntary and do not address the contamination source and
23 are not the statutory preference for obtaining a permanent
24 solution."

25 Further on, the plan speaks to the exposure

1 pathways, the exposure assessment, and then makes the
2 following statement. "Residual DNAPL within the Nyacol/WAC
3 AOC is acting as a continuing source of contamination to the
4 contaminated ground water plume and is considered principal
5 threat waste."

6 I would like to be on the record advocating for
7 serious consideration for alternative GW-5. Although, both
8 GW-4 and GW-5 contain no active treatment for the down
9 gradient plume and provide for monitoring only, GW-5 offers
10 a more aggressive treatment of the source.

11 Consequently, GW-4 is estimated to take 275 years
12 to achieve the target remediation goal throughout the site,
13 while GW-5 is estimated to take 140 years. According to the
14 plan, this will occur without active treatment in the down
15 gradient plume.

16 And I realize that these decisions are difficult
17 and that your position is difficult. Serving on the Select
18 Board, I do appreciate and understand that.

19 My next statement might seem unfair, but, I would
20 like to ask that, as the EPA considers all of our public
21 comments that a consideration include this reflection, if
22 you and your family lived and worked in the down gradient
23 plume area, what option would you choose and advocate for.

24 So, thank you. Appreciate you being here tonight.

25 MS. JENNINGS: Thank you. I'm sorry, sir. Could

1 you repeat your name and address, I don't think it came
2 through for the stenographer.

3 MR. MITCHELL: For the record, Steve Mitchell, 5
4 Newcastle Road. And again, I serve on the Select Board.

5 MS. JENNINGS: Thank you.

6 Next, I'd like to call Mark Dassoni.

7 MR. DASSONI: Thank you. And my name is Mark
8 Dassoni. I would like to comment saying, is it going to be
9 timely worthy or expeditiously, are we going to be waiting
10 long to have results? And to have your targets behind the
11 Worcester Air Conditioner and all that work. I think, it is
12 worth having that.

13 Nyanza has been the history. The plume has been
14 the history and it's still going on. I'd like to
15 understand, through a comment, through my comments, that
16 there are health issues, but there are remedies.

17 And when you combine the two, this ought to be a
18 compromise to understand that one may not work before the
19 other.

20 So, I'm going in with this wide eyed, open mind
21 and cautiousness saying, what would happen when the people
22 work, they might hit something they weren't expecting. So,
23 be careful. The health of the residents and people living
24 there would be in their hands when EPA comes in. It would
25 be a residential reason or a cautious optimism.

1 I just hope things work out. But, then again,
2 opinions work. But, the results will show. Thank you.

3 MS. JENNINGS: Thank you.

4 I'd like to call Rob St. Germain.

5 MR. ST. GERMAIN: Rob St. Germain, 64 Winter
6 Street here in Ashland. I am also the chair of the
7 Stormwater Committee. And this town is spending a lot of
8 money right now trying to monitor pollution from the
9 stormwater in town, and keep the Sudbury and the Charles
10 River as clean as possible.

11 So, I would urge you, if and when this process
12 begins, that you do increase and enhance monitoring to
13 ensure that the plume is not being further extended. Thank
14 you.

15 MS. JENNINGS: Thank you.

16 Next, I'd like to call A Ginger Esty, Ginger Esty?

17 MS. ESTY: You've heard enough from me. Thank
18 you.

19 MS. JENNINGS: Okay. The rest of the folks that
20 have signed in, there's been a few people who are unsure or
21 maybe. So, I'm going to call up anybody else that would
22 like to make a formal comment.

23 MR. SCHERER: Hi. I am Rob Scherer, member of the
24 Ashland Select Board as well. And I live at 41 Bay Colony
25 Drive.

1 So, I am speaking as an individual member of that
2 board. We have not yet met to review this. I fully expect
3 that, in line with the town manager's comments, and with Mr.
4 Mitchell's comments, the town will be submitting a
5 comprehensive comment on the proposed, and certainly
6 appreciate your willingness to be flexible about the due
7 date for the comments should that be necessary.

8 My particular comment is that, whatever the
9 proposed plan we end up with implementing, that there be,
10 given the history of the site and some of the maintenance
11 issues, that there be strong provisions for ongoing
12 monitoring, maintenance and evaluation of how whatever the
13 proposed action is working. And that there be, given the
14 changing nature of technology and best practices, that there
15 be mechanisms in place to revisit and evaluate and
16 potentially change what is going on depending on the
17 effectiveness of the remedy. Thank you.

18 MS. JENNINGS: Thank you.

19 MR. ARBEITMAN: Joel Arbeitman, 28 Woodridge Lane.
20 I think that what it appears to me is before the residents
21 of the town, is to try to weigh in as best we are able to on
22 the various remediation options. And I wonder, you know,
23 when I've worked on projects where we had to go through a
24 series of choices, we oftentimes try to quantify certain
25 categories and come up with almost kind of a scoring matrix.

1 So, I saw your presentation. But it was very much
2 in a narrative form and very difficult -- I mean, I'm not a
3 scientist, and most of us aren't -- to really assess, you
4 know, which would get us quicker clean up or what percentage
5 of the clean up, or you know, and I understand, some of it
6 is guess work or maybe even not able to be known at this
7 time.

8 But, I wonder whether a scoring matrix of any kind
9 has been created or if it could be created prior to the
10 expiration of the comment period so that we might benefit
11 from your expertise in trying to at least have an
12 opportunity to weigh in on what we feel is the best option.

13 And I would especially like that scoring matrix to
14 be done twice. Once including all of the factors you have
15 already weighed in, with some type of, it gets you this, but
16 it doesn't get you that or, you know, and score it however
17 you would. And again, without the price tag involved. Take
18 that out of the mix and say, okay, if you had infinite
19 funding, this would get you more clean up, even if it is not
20 cost effective clean up.

21 But, I'd like to be able to know that and
22 understand how, you know, what role the possible funding
23 might play in the thing.

24 And so, if that is something that we could get
25 prior to, so that we might take it into consideration in

1 discussing this among ourselves, I think that would be very
2 helpful. Thank you.

3 MR. PERRY: Hi. My name is David Perry, 222
4 Arrowhead Circle. I've been an Ashland resident for about
5 25 years.

6 I am or have been most recently the chairperson of
7 the Nyanza Advisory Subcommittee, which is a subcommittee
8 for the -- under the Board of Selectmen and not really as
9 part of the formal comment, but just for the audience's
10 benefit, it's a subcommittee with representation from the
11 Board of Selectmen, the Board of Health, the Conservation
12 Commission and then some members at large. Myself, I am a
13 former environmental engineering project manager. So, we
14 have a wide variety of expertise on the board, on the
15 subcommittee.

16 And so, I am not representing the subcommittee.
17 And as a selectmen said, I'm here on my own accord. So, I
18 mean, my comments are my own personal comments. But, to put
19 some context of what's been going on.

20 The first thing I would like to do is acknowledge
21 and recognize the pain and the history of a lot of the
22 residents here. As we have heard, the Nyanza site is one of
23 the most tragic Superfund sites in the nation really. And I
24 think, we can never lose sight of that.

25 The good news is that we are moving towards

1 reducing the exposure pathways and getting towards a clean
2 up goal. And I am pleased to see this report. I was
3 pleased to read it. I agree that it is a pretty digestible
4 document even for someone who might not have a real good
5 science background.

6 One of the things that we were looking at on the
7 advisory subcommittee was coming up with ways to put some
8 similar institutional controls in terms of the use of the
9 ground water and vapor mitigation systems as a town
10 subcommittee and the methods and the possible ways that we
11 could do that were somewhat limited.

12 So, I would say that I'm glad to see the EPA
13 taking a more holistic approach. You've got some better
14 tools in your toolbox to implement those kind of
15 institutional controls and remedies for the site.

16 So, I'm glad to see we're moving forward and I
17 would encourage the townspeople to still stay connected and
18 stay involved. And we will stay involved as well.

19 MS. JENNINGS: Thank you.

20 MR. MAGNANI: Thank you. Good evening. My name
21 is Joseph Magnani, 2 Harbor Lane. I am on the Select Board.
22 And I was also a member of the Nyanza Study Committee as
23 well.

24 I am a life long resident. The good Lord has put
25 me here 64 and a half years. And I hope to be here a little

1 longer.

2 It's unfortunate that some of my friends, and some
3 of my classmates aren't here as a result of them coming down
4 with different forms of cancer as a result of them living
5 near and around that Superfund site. I have had relatives
6 that lived on Metcalfe Ave that had their backyard change
7 colors whenever the dye changed or their snowflakes,
8 different colors from whatever dye they were making that
9 particular day. For them, thankfully, they lived to be 90
10 and 94 respectively.

11 So, what you folks are doing, what the EPA is
12 doing and monitoring what needs to be done and what needs to
13 be cleaned up, I thoroughly and wholeheartedly support
14 whatever needs to be done.

15 You can't put a dollar value on someone's life.
16 And Ashland has lost too many lives to put a dollar value.
17 And too many people over there that are sitting on that far
18 left side over there, that I can't even imagine what they
19 have gone through for their loss of family members.

20 So, my concern would be, is that, put aside the
21 dollar value, but get whatever needs to be done to clean up
22 the site.

23 I know, Lisa, we have met several times. And
24 you've made some great presentations in front of the Nyanza
25 Study Board. And the plan that was done in 2016, I think

1 that was the last time we sat and spoke formally.

2 Informally, we have spoken over the phone and via e-mails.

3 I did notice there has been some major changes in
4 the plume. But, my big concern was the DNAPL that is still
5 coming out of that one site that I was just totally floored
6 when, you know, the amounts were 55 gallon drumfuls. And
7 that's -- there is an issue there and that needs to be
8 resolved in some way, shape or form.

9 And, you know, the more sites that we can do to
10 make sure to monitor that, the better it is for all of us
11 down the road.

12 I know, Cara used the word a clean Ashland. I
13 think that's what we all want, Cara, more than anything
14 else. Because that would be a legacy left for our children
15 and our grandchildren's children.

16 I probably will never see that day. But, this is
17 a damn good start.

18 So, I appreciate anything and everything that the
19 EPA has done and will continue to do. And we hope that the
20 DEP steps on board with the state and continues working
21 together. Thank you.

22 MS. JENNINGS: Thank you.

23 MS. MARGULIES: Good evening. My name is Judith
24 Margulies. I am an Ashland resident, 53 America Boulevard.
25 I may not be on your sign in sheet.

1 I want to comment about the most upgrade area that
2 has been identified as the source of DNAPL, and that's the
3 area that is commonly referred to as the landfill.

4 I wish to comment about that specifically. Many
5 people are not aware that that is an unlined space. And
6 having read the original documents when that was decided to
7 be the decision as to what -- how to place the, I believe,
8 it is a 45 ton -- 45,000 tons -- and that number just pops
9 into my head. I can look it up, relook it up -- of
10 contaminants, to place it under a cap similar to what we do
11 with landfills today. But, it is unlined.

12 My concerns are that it was not adequately being
13 monitored using the most recent technology. Some people
14 believe, and I've heard this from members of the committees,
15 that much of the contaminants is going to stay in that one
16 location.

17 But yet, I believe that that is a total unknown.
18 That might be an educated guess. But it is no more than a
19 guess. And that's a very big concern without the most deep
20 monitoring of what is going on there.

21 That also is important because of the recent
22 construction around the area, having read those decisions,
23 those early decisions, the engineers, based it upon what the
24 area was existing at that time surrounding that area. And
25 obviously, as time has gone by, things have changed and

1 without continuing monitoring in a more significant way than
2 what I believe is being done now.

3 The last thing that I wanted to mention was, I, on
4 occasion, have heard that individuals have purchased homes
5 on some of the streets that may be of concern. And I would
6 like the government, the federal government, the state
7 government, to consider, for anyone who has purchased a home
8 and not been given adequate disclosure, for whatever reason
9 that may be, but that could be determined by some
10 independent group, that those people be offered the ability
11 to sell their homes to the government. Because, I believe
12 that there may be individuals who were not given those
13 disclosures. And for them to go back and, you know,
14 implement suits to people because that was not disclosed to
15 them in the last 10, 15, potentially even 20 years, I
16 believe that they should have opportunities for redress.
17 Thank you.

18 MS. JENNINGS: Thank you.

19 And seeing no more folks at the mike with further
20 comments, I'd like to thank you all for coming this evening.

21 So, just remember that our public comment period
22 for making comments closes on February 14th. If anybody has
23 any written comments tonight, and just wants to hand them
24 off to us, we are happy to take them.

25 This hearing is now officially closed.

1 (Whereupon, at 8:42 p.m., the proceedings were
2 concluded.)
3

CERTIFICATE OF REPORTER AND TRANSCRIBER

This is to certify that the attached proceedings
in the Matter of:

RE: PROPOSED CLEAN-UP PLAN FOR NYANZA SUPERFUND SITE

IN ASHLAND, MASSACHUSETTS

Place: Ashland, Massachusetts

Date: January 23, 2020

were held as herein appears, and that this is the true,
accurate and complete transcript prepared from the notes
and/or recordings taken of the above entitled proceeding.

Maryann Rooney

01/23/20

Reporter

Date

Maryann Rooney

03/30/20

Transcriber

Date